GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:312
ANSWERED ON:07.12.2016
Pending Cases in States
Singh Shri Hukum

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether six States account for around 90% of the 23 lakh cases older than 10 years pending in various courts in the country and if so, the facts thereof;
(b) whether around 71% of all cases pending for over 10 years are criminal cases where a court is bound to dispose of the matter in a fixed time and if so, the details thereof; and
(c) whether the judicial system in some States has shown willingness to take up the older cases of rape, murder, culpable homicide, grievous hurts, etc. on priority basis and if so, the details thereof and the steps taken / being taken by the Government in this regard?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (c): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) of LOK SABHA STARRED QUESTION NO. *312 FOR ANSWER ON 07TH DECEMBER, 2016.

(a) to (c) : The data on pendency of cases is maintained by the Supreme Court and the High Courts. As per information furnished by the High Courts, about 20.30 lakh pending cases in the District and Subordinate Courts as on 31.12.2015 were more than ten years old. Six States, namely, Uttar Pradesh, Gujarat, Maharashtra, Bihar, Orissa and West Bengal account for 84.7 percent pendency of more than ten years old cases. About 70 percent of the cases, which are pending for more than ten years are criminal cases.

Disposal of cases in courts is within the domain of the judiciary. The actual time taken for disposal of a case depends on several factors such as category of the case (civil or criminal), complexity of the facts involved, nature of evidence, co-operation of stake-holders viz. bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules and procedures. As such, it is not practicable to fix mandatory time limits for all categories of cases.

During the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of the High Courts in the Conference held on 03rd and 04th April 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. It was further resolved in the Conference of Chief Justices of the High Courts held in April, 2016, that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to (a) prioritize the disposal of cases falling in these categories within the existing court system; (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases.

The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

Some of the steps taken by the Government are indicated below:

â€¢ The sanctioned strength of Judges / Judicial Officers of District and Subordinate Courts has increased from 17,715 at the end of 2012 to 21,320 in June 2016 on account of concerted efforts made by all stakeholders.
â€¢ The Central Government has provided financial assistance to the tune of Rs. 5,459 crore to the State Governments / UTs since inception of Judicial Infrastructure Scheme in 1993-94. Out of this, an amount of Rs.2,014 crore has been sanctioned since 2014-15.
â€¢ 16,513 courts halls were available for subordinate judiciary against the working strength of 16,070 judges / judicial officers as on 31.12.2015.
â€¢ 2,447 court halls were under construction to take care of increase in the working strength on account of filling up of vacancies.
â€¢ As per available information, 524 Fast Track Courts are operational in the country.

The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which inter-alia includes, establishment of 1800 Fast Track Courts for period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years. The Finance Commission urged the State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements.

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